

Defendant Stephen J. Griffin, through his undersigned counsel, pursuant to Fed. R. Civ. P. 6 and D.N.H. Local R. 7.2(a), respectfully moves this Honorable Court for an extension of time, up to and including January 8, 2021, to respond to *pro se* plaintiff Amy St. Pierre's complaint. Good cause exists for granting the brief extension sought by this motion, as the defendant's response would otherwise be due on December 28, 2020, in the middle of the holiday season, which hinders defendant's and his counsel's ability to investigate the allegations set forth in the complaint and to formulate and prepare an appropriate response.

1. This action commenced on November 23, 2020, by way of a *pro se* Complaint by Ms. St. Pierre against Mr. Griffin in New Hampshire Superior Court, Rockingham County, styled as *Amy St. Pierre v. Stephen J. Griffin.*, Docket No. 218-2020-CV-01230.

2. While serious questions exist as to validity of service of process, Mr. Griffin received a copy of the Complaint and Summons on or about December 6, 2020, and promptly removed the case to this Court on December 10, 2020. (*See* ECF No. 1.)

3. Pursuant to Local R. 81.1(a) and Fed. R. Civ. P. 81(c), Griffin's response to the Complaint appears to be due on December 28, 2020.

4. Ms. St. Pierre's complaint seeks damages of \$985,000 and equitable relief for an alleged violation of the Stored Communications Act, 18 U.S.C. 2510(17) (Count I), identity fraud (Count II), invasion of privacy (Count III), retaliation, intimidation and interference (Count IV), and defamation (Count V).

5. Plaintiff's state court filing also included a motion for a preliminary injunction, which the state court did not consider or decide prior to the removal. Pursuant to Local Rule 81.1(b), "[i]f a motion is pending and undecided in the state court at the time of removal, it will not be considered unless and until the moving party refiles the motion with this court." Ms. St. Pierre has not refiled her motion as of this date and therefore, no response by Mr. Griffin is currently due to that motion.

6. On or about December 14, 2020, Ms. St. Pierre filed a *Pro Se* Motion to Participate in Electronic Filing. Defendant does not intend to oppose that motion.

7. Given that the response deadline falls squarely in the middle of the Christmas and New Years holidays, Griffin and his counsel are hindered in their ability to investigate and respond to the serious yet unfounded accusations in plaintiff's complaint.

8. On December 21, 2020, the undersigned counsel emailed Ms. St. Pierre at her email address on file to request assent to an extension of time through January 8, 2021, to respond to the complaint, but has not received a response as of the filing of this motion.

9. This is defendant's first motion for an extension of the deadline to file a responsive pleading to the complaint.

10. The sought extension will not result in a continuance of any hearing, conference, or trial, will not result in the need to extend any other deadline, and will not result in undue delay or prejudice to any party or to the Court.

11. In addition, because this case is in its infancy and no Discovery Plan or other deadline identified in Civil Form 3 have been established, Local Rule 7.2(a)(iii) is not applicable and the defendant has not submitted a Civil Form 3 with this motion.

WHEREFORE, defendant Stephen J. Griffin respectfully requests that the Court grant this motion and extend the time to respond to the complaint up to and including January 8, 2021.

Dated: December 22, 2020

Respectfully submitted,

STEPHEN J. GRIFFIN,

By: /s/ Phillip Rakhunov
Phillip Rakhunov (#17153)
POLLACK SOLOMON DUFFY LLP
101 Huntington Ave., Ste 530
Boston, MA 02199
prakhunov@psdfirm.com

CERTIFICATE OF SERVICE

The undersigned certifies that plaintiff Amy St. Pierre us being served with a copy of this Motion by email at amy.stpierre25@gmail.com and U.S. Mail on December 22, 2020, at 3 Bradley Ln., North Hampton NH 03862.

/s/ Phillip Rakhunov